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Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Mali and Mexico: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 60/169 of 16 December 2005 and recalling also Commission on Human Rights resolution 2005/47 of 19 April 2005,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families,[7]

Welcoming the establishment of the Human Rights Council as the body responsible for promoting universal respect for the protection of all human rights

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[4] Ibid., vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.
[6] Resolution 2106 A (XX), annex.
[7] United Nations, *Treaty Series*, vol. 2220, No. 39481.

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and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Welcoming also the convening of the High-level Dialogue on International Migration and Development held in September 2006, at which it was recognized that international migration, development and human rights are intrinsically interconnected,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect for the human rights and fundamental freedoms of migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

1. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, regardless of their immigration status, especially those of women and children;

2. *Welcomes* the interim report of the Special Rapporteur of the Human Rights Council on the human rights of migrants[8] and takes note of his recommendations;

3. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as a matter of priority, and requests the Secretary-General to enhance efforts to raise awareness and promote the Convention;

4. *Takes note with appreciation* of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its third and fourth sessions;[9]

5. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues, the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, with a view to addressing, in a comprehensive manner, its causes and consequences, granting priority to the protection of the human rights of migrants;

6. *Expresses concern* about the legislation and measures adopted by some States that restrict the human rights and fundamental freedoms of migrants and

[8] A/61/324

[9] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 48* (A/61/48)

reaffirms that States have the duty to comply with their obligations under international law, including international human rights law, when enacting and implementing migratory and border security measures, in order to ensure full respect for the human rights of migrants;

7. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their return through national borders;

8. *Calls upon* States to address international migration in the framework of international cooperation and dialogue, under the principle of mutual responsibility and through comprehensive and balanced approaches, and to avoid unilateral and partial approaches, which generate negative perceptions towards international migration and produce negative effects for countries and migrants alike, including by aggravating the vulnerability of migrants;

9. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

10. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

11. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, including, in particular, in the follow-up to the High-level Dialogue on International Migration and Development held pursuant to General Assembly resolution 58/208 of 23 December 2003;

12. *Requests* the Secretary-General to report on the implementation of the present resolution at its sixty-second session and decides to examine the question further under the item entitled "Human rights questions".